



United States District Court
Eastern District of California

JUDITH I. NAPOLEON,

Plaintiff(s)

Case Number: 2:21-CV-01259-TLN-AC

V.

UNITED SERVICES AUTOMOBILE ASSOCIATION, ET AL.,

Defendant(s)

APPLICATION FOR PRO HAC VICE
AND PROPOSED ORDER

Pursuant to Local Rule 180(b)(2) of the United States District Court for the Eastern District of California,
David McDowell hereby applies for permission to appear and participate as
counsel in the above entitled action on behalf of the following party or parties:
USAA Life Insurance Company.

On 11/04/1994 (date), I was admitted to practice and presently in good standing in the
Texas Supreme Court (court). A certificate of good standing from that court is
submitted in conjunction with this application. I have not been disbarred or formally censured by a court of
record or by a state bar association; and there are not disciplinary proceedings against me.

☒ I have ☐ I have not concurrently or within the year preceding this application made a pro hac vice
application to this court. (If you have made a pro hac vice application to this court within the last year, list
the name and case number of each matter in which an application was made, the date of application and
whether granted or denied.)

D.L. Markham, DDS, MSD, Inc. v. The Variable Annuity Life Insurance Company (VALIC), et al.,

Case No. 2:21-cv-00007-TLN-KJN, applied on February 4, 2021, and approved on February 5, 2021.

Date: 07/23/2021

Signature of Applicant: /s/ David McDowell

Pro Hac Vice Attorney

Applicant's Name: David McDowell
Law Firm Name: McDowell Hetherington LLP
Address: 1001 Fannin Street
Suite 2700
City: Houston State: TX Zip: 77002
Phone Number w/Area Code: (713) 337-5580
City and State of Residence: Houston, Texas
Primary E-mail Address: david.mcdowell@mhlip.com
Secondary E-mail Address: _____

I hereby designate the following member of the Bar of this Court who is registered for ECF with whom the Court and opposing counsel may readily communicate regarding the conduct of the case and upon whom electronic notice shall also be served via the Court's ECF system:

Local Counsel's Name: Catherine Baumgartner
Law Firm Name: McDowell Hetherington LLP
Address: 1 Kaiser Plaza
Suite 340
City: Oakland State: CA Zip: 94612
Phone Number w/Area Code: (510) 628-2145 Bar # 327062

ORDER

The Pro Hac Vice Application is APPROVED. The Pro Hac Vice Attorney is DIRECTED to request filing access through PACER.

Dated: 07/27/21



JUDGE, U.S. DISTRICT COURT

EXHIBIT A

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

July 22, 2021

Re: Mr. David T. McDowell, State Bar Number 00791222

To Whom It May Concern:

This is to certify that Mr. David T. McDowell was licensed to practice law in Texas on November 04, 1994, and is an active member in good standing with the State Bar of Texas. "Good standing" means that the attorney is current on payment of Bar dues; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension from the practice of law.

This certification expires 30 days from the date, unless sooner revoked or rendered invalid by operation of rule or law.

Sincerely,

Seana Willing
Chief Disciplinary Counsel
SW/web



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(*pro hac vice* appearance pending)

Attorneys for Defendant USAA LIFE INSURANCE
COMPANY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUDITH I. NAPOLEON, an individual,
Plaintiff.

v.

UNITED SERVICES AUTOMOBILE
ASSOCIATION, a Reciprocal Interinsurance
Exchange with members in every State;
USAA LIFE INSURANCE COMPANY, a
corporation and subsidiary of United States
Automobile Association; AND does 1-100
inclusive,

Defendants.

Case No. 2:21-CV-01259-TLN-AC

PROOF OF SERVICE

Complaint Filed: June 2, 2021
Trial Date: None Set

I, **Wilma G. Cabrera**, declare that I was over 18 years of age and not a party to this action. I am employed by McDOWELL HETHERINGTON LLP. My business address is 1 Kaiser Plaza, Suite 340, Oakland, CA 94612. My business telephone number is (510) 628.2145; my business fax number is (510) 628-2146.

1 On July 23rd, 2021, I served the within: **SEE ATTACHED LIST** on the interested parties
2 in said action by:

3
4 ☐ **BY ELECTRONIC MAIL:** I caused all of the pages of the above-entitled
5 document(s) to be served, via electronic mail (e-mail), to the e-mail address of the addressee(s)
6 so indicated.

7 ☐ **BY ELECTRONIC FILING:** I caused all of the pages of the above-entitled
8 document(s) to be electronically filed and served on designated recipients through the Electronic
9 Case Filing system for the above-entitled case. Please see attached list of documents and
10 recipients served. The file transmission was reported as successful and a copy of the Electronic
11 Case Filing Receipt will be maintained with the original document(s) in our office.

12 ☒ **BY MAIL:** as follows:

13 ☐ **BY OVERNIGHT COURIER:** I placed the above-referenced document(s) in an
14 envelope for collection and delivery on this date in accordance with standard FEDERAL
15 EXPRESS overnight delivery procedures.

16 ☒ By placing a copy thereof in a sealed envelope addressed as follows: **SEE
17 ATTACHED LIST.**

18 I am readily familiar with the business' practice for collection and processing of
19 correspondence for mailing with the United States Postal Service; and that the correspondence
20 shall be deposited with the United States Postal Service via First Class Mail on that same day in
21 the ordinary course of business.

22 I declare under penalty of perjury under the laws of the State of California that the foregoing is
23 true and correct. Executed on July 23rd, 2021, at Oakland, CA.

24
25 By: 
26 Wilma Cabrera
27
28

CERTIFICATE OF SERVICE

Napoleon v. United Services, *et al.*

United States District Court, Eastern District of California Case No. 2:21-cv-01259-TLN-AC

DOCUMENTS SERVED:

DAVID MCDOWELL'S APPLICATION TO APPEAR PRO HAC VICE

PARTIES SERVED:

| | |
|--|---|
| Ricardo Echeverria Danica Crittenden SHERNOFF BIDART ECHEVERRIA LLP 600 South Indian Hill Blvd. Claremont, CA 91711 Tel: 909.621.4935 Fax: 909.625.6915 Email: recheverria@shernoff.com Email: dcrittenden@shernoff.com | Attorneys for Plaintiff JUDITH I. NAPOLEON |
|--|---|